

**CITY COUNCIL MEETINGS OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY,
TEXAS, JULY 15, 2008**

The City Council of the City of Leon Valley, Texas, met on the 15th day of July 2008 at 7:00 p.m. at the Leon Valley City Council Chambers, at 6400 El Verde Road, Leon Valley, Texas, for the purpose of the following business, to-wit:

SPECIAL CITY COUNCIL MEETING - 5:30 P.M.

Call to order.

Mayor Riley called the meeting to order at 5:31 p.m.

Convene into Executive Session for discussions, in accordance with the Government Code:

- A. **Section 551.071 (2) Attorney consultation – laws regarding acquisition or sale of public water system;**
- B. **Section 551.071 (1)(A) Discussion of potential litigation - Threatened litigation by GoldStar Trust Co. regarding property located at 6401 Bandera Road; and**
- C. **Section 551.072 Deliberations regarding real property - Possible purchase of and value of real property interest relative to additional park space and additional space for facilities.**

Mayor Riley announced that the Council would convene into an executive session for discussions, in accordance with the Government Code: Section 551.071 (2) Attorney consultation – laws regarding acquisition or sale of public water system; Section 551.071 (1)(A) Discussion of potential litigation - Threatened litigation by GoldStar Trust Co. regarding property located at 6401 Bandera Road; and Section 551.072 Deliberations regarding real property - Possible purchase of and value of real property interest relative to additional park space and additional space for facilities. The Council left the chambers at 5:31 p.m.

Reconvene into open session.

Mayor Riley reconvened the Council into open session at 7:03 p.m. and stated that there was no Council action

Adjourn.

Mayor Riley asked for a motion to adjourn the Special Council Meeting. A motion was made by Councilmember Baldrige, seconded by Councilmember Dean, to adjourn the meeting. Hearing no objections, Mayor Riley announced the meeting adjourned at 7:04 p.m.

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REGULAR CITY COUNCIL MEETING - 700 P.M.

Call to order and Pledge of Allegiance.

Mayor Riley called the meeting to order at 7:03 p.m. and asked that the minutes reflect that the following members of Council were present: Manea, Reyna, Baldridge, and Dean. Mayor Riley announced that Councilmember Nelson would be unable to join the meeting and has an excused absence for a family member.

City Manager Lambert, City Secretary Feutz, Police Chief Wallace, Fire Chief Irwin, Administrative Assistant Gomez, and City Attorney McKamie were also present.

Mayor Riley asked Scout Luke Gardner from Troop 675 and Connolly Middle School, to lead the assembled group in the Pledge of Allegiance.

Presentation of "Good Neighbor Awards" for the 14th Annual Star Spangled 4th of July (Mayor Riley).

Mayor Riley thanked Councilmembers and everyone for their support of the 14th Annual Star Spangled 4th of July celebration and announced "Good Neighbor Awards" to the following:

Justice of the Peace, Precinct 2, Place 1, Judge Marcia Weiner	Leon Valley Folklorico Dancers
Bexar County Constable, Precinct 2 - Assistant Chief Wendel Tomlin	100 Monkey Club
Bexar County Constable, Precinct 2 - Deputy Manolo Valente	San Antonio Mustang Club
The Leon Valley Community Events Committee	Sons of Confederate Veterans, Camp 1325, Texas Division
Alamo Scoots	Texas Outdoor Women Network
Forest Oaks Swim Team	Trade and Market Days Committee
Girl Scout Troops #3032, # 516, and # 578	Leon Valley Fire Department and the Fire Pup
HEB #30	Leon Valley Library and the Library Lion
Historical Society of Leon Valley	Leon Valley Police Department
Jolly Joeys Clown Alley	

Mayor Riley also thanked the following who also were part of the parade and celebration, but who could not attend this evening:

Grand Marshal Congressman Charles Gonzalez	Girl Scout Troops # 291
Judge Larry Noll	International Black and White
Alamo Area Dancers	Peter Piper Pizza
Blue Marlin Swim Team	The Doodle Train
Cub Scout Pack # 333	
Fiesta Dodge	

Mayor Riley also thanked the staff of the Public Works Department and Sylvia Gomez for all their work in coordinating activities for this event.

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Presentation of Annual Beautification Awards (Mayor Riley).

Mayor Riley announced the seven winners selected to received awards for this year's Annual Beautification Awards. Each winner was presented a certificate and a yard sign.

Excellence Awards Winners:

Marian and Terry Hersum of 6654 Grist Mill
David Smith of 6801 Linkway

Merit Award Winners:

Bob Schoonover of 7434 Horsetail
Roger Christensen of 6226 Stirrup Lane
Mike Davis and Jean Johnson of 6031 Walking
Gait Drive
Gilbert Sandoval of 5903 Forest Knoll
Ken and Susan Hillje of 7412 Linkwood

Citizens to be heard and time for objections to the Consent Agenda.

Mayor Riley asked Councilmembers if they wished for anything on the Consent Agenda to be removed from that agenda for further discussion. Hearing no requests, Mayor Riley then asked if anyone in the audience wished to address the Council.

Jackie Johnson, of 7207 Poss Road, addressed Council and complimented the winners of the beautification awards. She handed out photos to Council of a property at the corner of Evers and Poss Roads and stated that she was speaking on behalf of herself and other residents on Poss Road who thought that the City should have rules which would address a property with excessive amount of yard plants in pots, buckets, chairs and picnic tables which does not make the neighbors proud to be in Leon Valley.

City Manager Lambert asked the City Attorney what kind of laws could the City enact to address this type of situation. He stated that staff has been receiving complaints from several people about this situation.

City Attorney McKamie stated that generally the City cannot regulate aesthetics but could pass regulations that address health and fire hazards or public nuisances. He stated that the City may not have a good solution, but the City will continue to monitor the situation. He stated that he is working with staff on the situation.

Nita Lange, Chair for the Trade and Market Day Committee, addressed Council, reminding them that the Trade and Market Day is on a hiatus until September. She informed everyone that their regular radio show each Friday on channel 1460 is continuing during the hiatus and the shows for the next month will be hosted at local businesses in Leon Valley to promote business in Leon Valley.

Ron Rainey, of 7743 Stebbins, stated that any regulation of potted plants, and that many plants in the yard do not bother him and no one should try to regulate his plants or others.

Seeing no one else to come forward for the "Citizens to be heard" portion of the meeting, she asked for a motion to approve the following Consent Agenda items:

Consent Agenda

Consider approval of minutes of the Special City Council Meetings of June 18 -20,

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2008 and the Regular City Council Meeting of July 1, 2008 (Feutz).

Consider M&C 07-05-08 - to move next Regular City Council Meeting to Tuesday, August 5, 2008. This date will not be in conflict with National Night Out in 2008 as National Night Out in Texas will be October 7, 2008 (Mayor Riley).

Consider approval of Quarterly Investment Report (Lambert).

A motion was made by Councilman Reyna, seconded by Councilman Manea, to approve the Consent Agenda as presented. Upon unanimous vote, Mayor Riley announced that the motion carried and the Consent Agenda items were approved.

Regular Agenda

Public Hearing to consider an Ordinance to repeal and replace City Code Chapter 18 "Parks and Recreation" with a new Chapter 18 "Parks and Recreation" and providing for penalties of not less than twenty-five dollars (\$25.00) and no more than two thousand dollars (\$2,000) with each day's violation constituting a separate offense (Park Commissioners).

Mayor Riley welcomed the Park Commissioners, Bert Thomas and Al Uvietta, who were there to present information on the subject. Other Park Commissioners, Beverly Freeman, and Patty Manea who were also present were recognized.

Commissioner Uvietta addressed Council on behalf of the Park Commission stating that the changes to the City Code were being made to provide a safe and pleasant experience for all park visitors. He reviewed the changes proposed to the Code:

1. Added definitions;
2. Prohibited all motorized vehicles except city vehicles, those authorized by the City and vehicles operated by disabled persons;
3. Expanded rules to future park properties, the natural area, trails, Huebner Creek and its related drainages and other related areas;
4. Clarified property destruction prohibitions;
5. Added prohibitions for firearms, paintball guns, archery, machetes, driving golf balls, sling shots, and other weapons and fireworks and explosive devices and metal detectors;
6. Added prohibitions on pets from the playground and natural areas;
7. Addresses pets in the park areas, defines leash length, and prohibits trapping and removal of wildlife, hunting, ponies, horses, and any dangerous animals on park properties;
8. Clarifies hours of park use (sun up to sun down) and uses of park resources;
9. Addresses the use of bicycles and skateboards, canopies, and tents; and
11. Provides for penalties for violations of Code.

Councilman Reyna recommended no prohibitions on types of alcoholic beverages allowed, and allowing two signs to be posted for events at the pavilion.

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Mayor Riley recommended not to have a separate Park Foundation, but could be a subcommittee of the Park Commission. City Attorney McKamie stated that the Park Foundation was not needed for donations and could be deleted if the only purpose was to accept donations for the Park. A consensus was to delete the section.

Mayor Riley opened the public hearing at 8:11 p.m. and invited anyone in the audience to address Council.

Resident Susan Hillje asked for clarification of a proposed section that addressed a person that permits a minor to under his control to use city facilities inappropriately. Mr. Uvietta explained that this addresses parental responsibility for their children using the park.

Resident Al Baldridge asked for clarification of skateboarding in the drainage ditch and was the creek bed considered part of the park and asked if a skate park was in the future park plans. Park Commission Chair Thomas answered that the skaters would be allowed to use the paved drainage area on Poss Road. Mr. Thomas also stated that the Park Commission has asked that the joint park with San Antonio include a skate park.

City Manager Lambert stated that Councilmember Nelson had submitted six questions to be clarified with the new ordinance to include a definition of pet litter and defining what are permitted containers for embers in the park, and some issues that were typos and may be corrected with the code revised after the Park Commission last evening.

Seeing no one else, Mayor Riley announced the close of the public hearing at 8:20 p.m.

Discussion about whether the item was an action item, but the City Attorney clarified that the item was only a public hearing.

Discussion among Councilmembers included recommendations to allow two signs at the pavilions for a party, prohibit all glass containers on park properties, and whether to eliminate language that distinguishes what type of alcohol can be on park premises. The City Attorney recommended that the language address alcohol volume devices and recommended that signs be posted at park entrances that remind park visitors about the prohibition of disorderly conduct and of our intent to enforce that rule. He stated that the beer and wine only language could remain and he recommended that all glass containers be banned in the park.

Mayor Riley asked that all suggestions be submitted again to the City Attorney and returned to Council for formal action. She thanked the Park Commission for their hard work.

Public Hearing to consider a request to approve appropriate ballot proposition language for a Special Election to be held November 4, 2008 to allow voters to vote for or against the adoption of a sales and use tax for economic development (Councilman Reyna/Councilman Manea).

Mayor Riley announced that Councilmen Reyna and Manea had requested this agenda item and asked Councilman Reyna to continue the discussion on the ballot language.

Councilman Reyna stated that there were three options from the Citizens Neighborhood Progress Committee input, and three ballot language options also from the City Attorney. He

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asked for Council's discussion on acceptable ballot language, that would be sent to the City Attorney and returned to the Council at the next meeting for a vote.

Councilmember Dean stated that Council should go forward with the election, he preferred Option 3 which included the Mayor's suggestions.

Councilman Manea agreed with Councilmember Dean and recommended Option 1 with only the paragraph at the top and no list of items or Option 3.

Councilmember Baldrige agreed that the language of Option 3 or Option B because it spelled out a few more details; however she is not in favor of the 1/4 of one cent, but would support a 1/8 of one cent, as it would push the Leon Valley sales tax rate over the San Antonio sales tax rate.

Mayor Riley stated that she had found an information page that had been distributed for the September 2004 election. She read that the "red letter" that was put out by those who worked against the sales tax election and reviewed their complaints about the sales tax: no sunset clause for tax, the percentage of sales tax, they didn't feel that the City showed a need for the sales tax, and there was no plan for the use of the sales tax. She stated that the sunset clause was not necessary because there are enough safeguards in the tax law that requires expenses over \$10,000 to go thru the Economic Development Corporation and be brought to Council for approval. She recommended going with the 1/8 of one cent on the ballot. She stated that she wanted to be cautious on the percentage of the ballot.

Mayor Riley opened the public hearing at 8:56 p.m. and invited anyone in the audience to come forward and address Council.

Resident Al Baldrige addressed Council expressing his concern about any election for a sales tax rate that would be above that of the City of San Antonio's tax rate. He reminded everyone that the sales tax election had failed three times, and the consistent theme from the three elections was that the sales tax rate would be above that of San Antonio's rate. He recommended that the election request 1/8 of one cent on the ballot. He also recommended that the election request wait until May so that program costs could be better developed, it could cost us about \$1,000 less than the November election costs, and stated that he did not like the language considered for possible ballot language.

Resident Rudy Garcia addressed Council thanking them for the progress made thus far on the ballot language. He stated that if businesses understand the purpose of the sales tax is to help existing and new businesses in Leon Valley and that 1/8 of a cent versus 1/4 of a cent is not significant. He urged Council to consider the 1/4 of one cent for the ballot language and preferred either Option 2 or Option 3 for the ballot language

Resident Nancy Marin addressed Council stating that she doubts that Leon Valley gained any new businesses because we were 3/4 of a cent lower than the City of San Antonio and she doubts San Antonio lost businesses because their sales tax was higher than Leon Valley's. She recommended the ballot language go for the remaining 1/4 of one cent and thought either Option 2 or Option 3 were good options with Option 3 being attractive for all citizens.

Hearing no one else, Mayor Riley closed the public hearing at 9:22 p.m.

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Councilmember Baldrige again stated her preference for a sales tax that will not exceed that of San Antonio.

Councilman Manea stated that 85% of our tax revenue comes from residents from outside of Leon Valley and will cost one cent on every \$8.00 spent on taxable purchases. Councilman Manea stated that residents need to be educated on what the sales tax can do for the City and its businesses and he felt that the citizens' committee is better prepared to inform citizens about the election. He stated that he favored the full 1/4 of one cent.

Councilmember Dean stated that while he prefers the 1/4 of one cent, he would rather get even 1/8 of one cent than to get nothing. He stated that he thought the timing was not as favorable as it could be with the general economy, but he would support ballot language with Option 3 for 1/8 of one cent.

Councilman Reyna stated that our sales tax revenue has been dropping and businesses have been leaving even when we were 3/4 of one cent below San Antonio. He stated that we need to legally educate our citizens about this tax. He stated that he favors ballot language Option 3 and staying with the 1/4 of one cent for the ballot.

Ms. Marin reported to Council that the Economic Development Handbook lists water conservation projects cannot be listed in broad ballot language on the ballot.

City Manager Lambert reported that Councilmember Nelson had submitted her recommendation for ballot language Option 3 and for the 1/4 of one cent.

Mayor Riley encouraged Councilmembers to speak with Tim Kreusal of Universal Office Products as he would be against any election that would support a sales tax that would put Leon Valley's tax rate higher than San Antonio's tax rate.

Councilmember Baldrige stated that with the Bandera Road TxDOT construction hurting our businesses, she felt that any burden that raises the sales tax higher than that of San Antonio would not be good.

Councilmembers discussed that the decrease in business activity has been going on longer than five years, a time before Bandera Road TxDOT construction began.

City Manager confirmed that his office will work on ballot language for Option 3 with 1/4 of one cent. Mayor Riley announced that the final ballot language will be for formal action by the Council in August.

Discussion Agenda

City Manager's report (Lambert).

A. Update on Sustainable Design Assessment Team (SDAT) upcoming visit

City Manager Lambert reported that the week of October 6, 2008 will bring the SDAT to Leon Valley and that the City had requested Wednesday - Saturday for the dates, but will wait to have that confirmed by the AIA.

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B. Financial Report for June 2008

City Manager Lambert provided an overview of the financial picture of revenues and expenses for the City for the month of June 2008 and reported that sales tax receipts down almost \$20,000 from last year and that the City received the second month of street maintenance sales tax with a cumulative street maintenance sales tax revenue total of \$58,489.92, which is less than he had anticipated. He stated that water sales and conference center rental revenue were up from last year.

Mayor Riley reported that the Alamo Regional Mobility Authority (ARMA) stated that the environmental impact study (EIS) on Bandera Road had not begun due to lack of financing and that ARMA told her that they cannot start the EIS until they find funding; once started it will take about 2-4 years to complete.

Citizens to be heard.

No one appeared to be heard.

Announcements by Councilmembers and Mayor.

Councilmember Manea complimented the other members of Council and stated it was an honor to work with everyone on Council.

Councilman Reyna congratulated the City Attorney for being named Chair of the Government Lawyers Section for the State Bar of Texas for 2008-2009.

Mayor Riley reported on the following items:

1. That the City has been awarded two AACOG grants: one for \$38,000 for Ewaste and one for approximately \$7,000 for Earthwise Living's 20th Anniversary. She thanked Rose Ryan and the City Manager for their work on the grants.
2. After the Patriotic Concert by the Beethoven Band earlier this month, the conductor informed the Mayor that he would consider an outdoor concert for the City.
3. A town hall meeting would be held on August 6, 2008 at the Conference center at 7:00 p.m. for residents to hear about a developer's plan for a mixed use development proposed for the vacant lot at Evers and Huebner Roads. She also stated that the developers would take input from the public on the project.
4. A Crime Prevention Awareness Meeting would be held at 9:00 a.m. on Saturday, July 26, 2008 at City Hall for anyone interested in an update from the Chief and a neighborhood crime prevention meeting for the Crownpiece area would be held on July 16, 2008 at 6:00 p.m. at City Hall and encouraged everyone to contact the Police Chief for any questions.
5. A budget workshop would be held at City Hall on Saturday, July 19, 2008 at 9:00 a.m.

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Adjourn.

Hearing no further business, a motion was made by Councilmember Baldrige, seconded by Councilman Reyna, to adjourn the meeting. Hearing no objections, Mayor Riley announced the meeting adjourned at 9:55 p.m.

ATTEST:

Chris Riley

Mayor

Marie Feutz

City Secretary

Approved by City Council unanimous vote at the August 5, 2008 Regular City Council Meeting.